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FOOD SUPPLIES AND CONSUMER WELFARE DEPARTMENT

NOTIFICATION

The 2nd June 2008

[The Orissa Specified Foodstuffs (Licensing and Storage Control) Order, 2008]

No. 11792—F.S.C. 5/2007(Pt.)—In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the notifications of Government of India in the Ministry of Consumer Affairs, Food and Public Distribution (Department of Consumer Affairs) No.GSR-104(E), dated 15th February, 2002, published in the Gazette of India, Extraordinary (Part-II, Section 3, sub-section (i)) and in the Ministry of Consumer Affairs, Food and Public Distribution, (Department of Consumer Affairs) No.SO-400(E), dated 28th February 2008 and No. SO-823(E), dated 7th April, 2008 published in the Gazette of India, Extraordinary (Part-II, Section 3, sub-section (ii)), the State Government do hereby make the following order, namely :—

1. Short title, extent and commencement :

- (1) This order may be called the Orissa Specified Foodstuffs (Licensing and Storage Control) Order, 2008.
- (2) It shall extend to the whole of State of Orissa
- (3) It shall come into force on the date of its publication in the Official Gazette

2. Definitions : In this Order, unless the context otherwise requires,—

- (a) “**Appellate Authority**” means any authority appointed by the State Government to exercise the powers of the appellate authority under this order;
- (b) “**bulk consumer**” means a hotel, restaurant, educational institution with hostel facilities, jails, hospitals, religious or charitable institutions;
- (c) “**Collector**” means the Collector in charge of revenue district;
- (d) “**commission agent**” means a commission agent having in the customary course of business as such agent authority either to sell specified foodstuffs, or to consign specified foodstuffs for the purpose of sale or to buy foodstuffs;

- (e) “**dealer**” means a person, firm, association of persons, company, institutions, organization or co-operative society approved by Central or State Government engaged in the business of purchase, sale or storage for sale of any one of rice, wheat, pulses, edible oil seeds and edible oils whether or not in conjunction with any other business and includes producers, wholesalers, retailers and commission agent but excludes the cultivators in respect of their own produces;
- (f) “**edible oils**” means any oil used directly or after processing for human consumption and includes hydrogenated vegetable oils;
- (g) “**importer**” means who imports specified foodstuffs from abroad;
- (h) “**licensing authority**” means any officer of the State Government notified by that Government in the Official Gazette to exercise the powers and functions of a licensing authority within the local areas as specified in the notification for the purpose of this order;
- (i) “**producer**” means a person carrying on the business of milling, expelling, extracting or manufacturing any essential commodity but excludes the cultivators of their own produces;
- (j) “**retailer**” means a dealer in any one or all of the specified foodstuffs, who is not a wholesaler;
- (k) “**rice**” means any variety of the de-husked, polished or par boiled rice and includes rice equivalent to paddy;
Explanation – For the purpose of this sub-clause 68 Kg. of rice shall be considered equivalent to 1 Quintal of paddy;
- (l) “**schedule**” means schedules appended to this order;
- (m) “**specified foodstuffs**” means rice, wheat, pulses, edible oil seeds and edible oils; and
- (n) “**wholesaler**” means a dealer in rice, wheat, pulses, edible oil seeds and edible oils who sells such commodities to other dealers or to bulk consumers;

3. Licensing of Dealers : (1) No person shall carry on business as a dealer after the expiry of a period of fifteen days from coming into force of this order except under and in accordance with the terms and conditions of license granted in this behalf by the licensing authority for a period of one year or part thereof;

(2) For the purpose of this clause any person who stores any one or all of the specified commodities as mentioned below at any one time shall unless is contrary is proved, be deemed to be carrying on business as a dealer.

- (i) All the pulses taken together in quantity exceeding 10 quintals and/or any one or all edible oilseeds taken together including groundnut in shell in exceeding 10 Quintals and/or any one or all edible oils taken together exceeding 5 Quintals.
- (ii) Wheat of all varieties exceeding 5 Quintals.

(iii) Rice of all varieties taken together exceeding 10 Quintals.

(3) (i) Every person who intends to carry on the business as a dealer, shall make an application to the licensing authority in the form specified in **Schedule-I** accompanied with requisite fee deposited into the Government Treasury to the credit of the State Government through treasury challan in that behalf.

(ii) The license fees shall be—

a.	For producer	-	Rs. 2,000.00
b.	For wholesaler	-	Rs. 500.00
c.	Retailer	-	Rs. 100.00

(iii) A separate license shall be obtained for each place of business.

(iv) It shall be the duty of the holder of license to immediately obtain from the licensing authority a duplicate of the license issued to him if the same is lost, destroyed or defaced.

Explanation— “Year” for the purpose of this clause shall mean the financial year beginning on the 1st day of April.

4. Security Deposit :

(1) Every dealer shall, before a license is issued to him, deposit an amount mentioned below by way of security in favour of the Licensing Authority in the manner hereinafter stated for each place of business as specified below:

For producer	Rs. 10,000.00
For wholesaler	Rs. 5,000.00
For retailer	Rs. 500.00

(2) The security deposit referred to in sub-clause (1) shall be in any one of the following manners, namely: —

- (i) A demand draft on the State Bank of India/ any Nationalized Bank endorsed in favour of the licensing authority;
- (ii) A Deposit at Call-Receipt of the State Bank of India/ any Nationalized Bank endorsed in favour of the licensing authority; or
- (iii) Cash deposit into Government Treasury under head “Revenue Deposit”.

5. Restriction and possession of rice, wheat, pulses, edible oil seeds and edible oils:

- (a) No dealer shall after a period of fifteen days coming into force of this order either by himself or by any person on his behalf store or have in his possession, at any time any wheat, pulses, edible oil seeds and edible oils in excess of the quantities specified below;

(Figures in Quintals)

Sl.No.	Products	Producer	Wholesaler	Retailer
1	Wheat	One sixth of the maximum quantity of wheat used by the firm in any of the last three years ending on 30th April, 2008.	500 Quintals	20 Quintals
2	Edible oil seeds	One eighth of the maximum quantity of edible oilseeds used by him in any of the last three years ending on 30th day of April, 2008.	300 Quintals	20 Quintals
3	Edible Oils including refined oils	One twelfth of his maximum production in any of the last three years ending on 30th day of April 2008.	500 Quintals	10 Quintals
4	Pulses	One twelfth of the maximum quantity of unmilled pulses used by him in any of the three years ending from 30th April, 2008.	500 Quintals	20 Quintals
5	Rice	1000 Quintals (Levy free). The quantity of rice held on behalf of Government or Government State Agencies under procurement policy shall be excluded.	750 Quintals	50 Quintals

6. Order not to apply in certain cases : Nothing in this order shall apply to:—

- (a) a Corporation or a company owned or controlled by the Central Government or a State Government or a Statutory Corporation.
- (b) To an importer of specified commodities under open general license.
- (c) Stocks held on behalf of Government.

7. Period of Validity of Licence : A licence unless sooner suspended or cancelled shall be valid for a period of one year or a part thereof from the date of issue of licence.

8. Renewal of Licence : (1) Every Dealer shall make an application for renewal of the licence within a period of 30 days before the date of expiry of the licence to the licensing authority in the form specified in the **Schedule-II** together with the fee specified by the State Government.

(2) On receipt of application under sub-clause-1 the licensing authority may renew the licence for a further period of one year or part thereof.

(3) Notwithstanding anything contained in sub-clause (1) and (2), the licence issued or renewed under this order shall be valid till a decision on the application for its renewal is taken by the licensing authority.

9. Suspension of Licence : The licensing authority may after giving the dealer an opportunity in writing to show cause and after giving him one month notice suspend a licence issued to him under this order for any breach of terms and conditions for the licence or for contraventions of the provisions of this order or any failure to comply with any order, direction or requisition made under this order.

10. Appeal : A dealer aggrieved by any order passed by the licensing authority under this order may appeal to the Appellate Authority as within a period of 30 days from the date of which such order has been communicated to him and the Appellate Authority shall give opportunity of being heard to the dealer and the licensing authority before making any decision in such appeal. The appeal so filed may be disposed within a period of 30 days from the receipt of the said appeal.

11. Power to review : A review petition may be filed to the Secretary to Government, FS & CW Department against the decision of Appellate Authority by any party aggrieved by such decision within 30 days from the date of such decision and the Secretary of the department shall decide the review petition after giving the parties the opportunity of being heard.

12. Power to issue direction : The Government may, from time to time, issue such directions as it considers necessary for the purpose of giving effect to the provisions of this order and the licensing authority and/or the dealers to whom such directions have been issued shall comply with such directions.

13. Powers of entry, search & seizure etc : (a) The licensing authority or any other officer authorized by State Government in this behalf, may with such assistance, if any, as he thinks fit :—

- (i) require the owner, occupier or any person in charge of the place, premises, vehicles or vessels in which he has reason to believe that any contravention of the provisions of this order or of the conditions of any licence issued thereunder has been, is being or is about to be committed, to produce any books, accounts or other documents showing transactions relating to such contraventions;
- (ii) enter, inspect or break open any place, premises, vehicles or vessels in which he has reason to believe that any contravention of the provisions of this order or of the conditions of any licence issued thereunder has been, is being or is about to be committed;
- (iii) take or cause to be taken extracts from or copies of any documents showing transactions relating to such contraventions which are produced before him/her;
- (iv) take or cause to be tested the weight of all or any of the essential commodities found in any such premises :

Provided that in entering upon and inspecting any premises the persons so authorized shall have due regard to the social and religious customs of the persons occupying the premises;

- (v) search, seize and remove the stocks of the essential commodities and the packages, coverings, animals, vehicles, vessels or other conveyances used in carrying the said essential commodities in contravention of the provisions of this order or of the conditions of any licence issued there under and thereafter take or authorize the taking of all measures necessary for securing the production of the essential commodities and the packages, coverings, animals, vehicles, vessels or any other conveyances so seized in a court and for their safe custody pending such production.

The provisions of Section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

14. Nothing in this order will apply to the dealers of rice, wheat and edible oils, who have been granted licence to deal in PDS commodities under the provision of Public Distribution System (Control) Order, 2001 issued by Central Government and published in the Gazette of India Extraordinary, Part-II, Section 3, sub-section (i) on 31-8-2001 and the Orissa P.D.S. (Control) Order, 2008.

15. Power to prescribe monthly returns : Every dealer (only producers and wholesalers) shall furnish by the 7th of each following month to the licensing authority and to State Government a return in respect of essential commodities stored and sold by him during a month in the *pro forma* as specified in the **Schedule-III**.

16. Repeal and savings : The Orissa Essential Foodstuffs (Prevention of Hoarding and Requisitioning of Stocks) Order, 1974, The Orissa Rice and Paddy (Control) Order, 1965, The Orissa Pulses, Edible Oil Seeds and Edible Oil Dealers (Licensing) Order, 1977, The Orissa Wheat and Wheat Products (Licensing) Order, 1988 are hereby repealed with effect from the date of enforcement of this order:

Provided that such repeal shall not affect –

- (a) the previous operation of any order repealed under this clause (hereinafter referred to as the repealed Order) or anything duly done or suffered therein; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the repealed order; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the repealed order; or
- (d) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced;

- (e) and any such penalty, forfeiture or punishment may be imposed as if this order had not been issued.

17. Validity of this order : This order shall remain in force continuously with the validity of the central order issued under No.SO-400(E), dated 28-02-2008 in respect of wheat and pulses and central order No.SO.823(E), dated 7th April 2008 in respect of edible oils, edible oilseeds and rice.

By order of the Governor

RAJ KUMAR SHARMA

Commissioner-*cum*-Secretary to Government

Schedule-I
[See Clause 3(2)(a)]

FORM

Passport
size Photo-
graph to be
affixed

Application for grant/renewal of Licence under the Orissa Specified Foodstuffs (Licensing and Storage Control) Order, 2008 for the period commencing from _____ to _____.

1. Type of business – Producer/Wholesaler/Retailer

(Strike out which is not applicable)

2. Father or Husband's name :

3. (a) Place of business :

Plot No.

Street Address_____

Khata No.

Post:_____

Mouza :

District:_____

PIN Code_____

(b) Nature of premises:—

(i) Building Pucca/Kacha:

(ii) Roofing (RCC, Asbestos sheet, etc.):

(iii) Compound wall. Yes/No

(c) Ownership of premises:

Own/rented :

(d) TIN/SRIN No.

(as allotted by Commercial Tax Authorities)

(e) Names of Essential Commodities to be dealt by the dealer as per the provisions of this order:—

(1)

(2)

(3)

(4)

(5)

4. Licence No., if any (For renewal only):

I/We undertake to comply with all the provisions of the Orissa Specified Foodstuffs (Licensing and Storage Control) Order, 2008.

I have deposited the requisite fees in respect of grant or renewal of Licence as specified in the order.

Place:

Signature of the applicant

Date :

Schedule-II
(See Clause 9)
LICENCE

(Under the Orissa Specified Foodstuffs (Licensing and Storage Control) Order, 2008)

An application dated _____ for grant / renewal of Licence under the said order having been received from (name) _____ son of _____ address _____

subject to the provisions of the said orders in the terms and condition specified below Shri M/s _____ (name & address of the dealer) _____ hereby granted or renewed Licence No. _____ to be allotted by the Government to carry on business as a dealer in _____ (name of commodities) as a Licensed dealer in the premises.

Dated:

Signature of the Licensing Authority

TERMS AND CONDITIONS OF LICENCE

- (1) The dealer should exhibit the stocks and prices declaration board conspicuously at the entrance of the business premises.
- (2) Every licensed dealer shall maintain a register showing the quantity received, quantity milled or processed, quantity sold and closing balance everyday and shall produce the same to the authorized officer on demand for inspection.
- (3) The dealer shall supply information relating to the transaction, etc. to the authorized officers when required.
- (4) The Licence Number and TIN or SRIN Number shall be displayed prominently at the entrance of business premises.
- (5) The Licence shall be valid w.e.f. unless cancelled or suspended under the provisions of this order.
- (6) The conditions of licence are in addition to other conditions under the provision of this order.

Schedule-III
(See clause 16)

Monthly statement in respect of commodities stored/milled/processed under the provision of the Orissa Specified Foodstuffs (Licensing and Storage Control) Order, 2008.

(For Producers)

1. Name and address of the producers:
2. Licence No.....

Details of commodities stored / milled / processed / finished products

(Fig. in quintal)

Month	Opening balance	Stock Received		Stocks milled	Finished products obtained from milling	Product sold (item-wise)	Quantity sold	Closing balance
		Outside the State	Inside the State					

Dated:

Signature of the Dealer
(Producer)

(For Wholesalers)

1. Name and address of the wholesaler :
2. Licence No.....

Details of commodities stored/milled/processed/finished products

(Fig. in quintal)

Month	Opening balance	Stock received		Stocks sold (Item wise)	Closing balance
		out side the State	Inside the State		

Dated:

Signature of the Dealer
(Wholesaler)